

ADMINISTRATIVE CONDITIONAL USE PERMIT REPORT & DECISION

A. SUMMARY AND PURPOSE OF REQUEST

REPORT DATE: October 25, 2010

Project Name: Hue Huynh ADU

Owner: Hue T. Huynh
11410 SE Petrovitsky Road
Renton, WA 98055

Contact: Han Phan, PE
PBG, LLC
5730 S 166th Lane
Seatac, WA 98188

File Number: LUA10-036, CU-A

Project Manager: Gerald Wasser, Associate Planner

Project Summary: The applicant is requesting approval of an Administrative Conditional Use Permit for an Accessory Dwelling Unit (ADU) in association with a single-family residence on a 38,138 square foot lot in the Residential - 14 dwelling units per acre zone. The proposed ADU would be in a converted garage structure. The ADU would have a floor area of 800 square feet, would have an attached 300 square foot covered patio, and attached decks totaling 384 square feet. The site slopes gently downward from south to north. The proposed project is Categorically Exempt from SEPA regulations. Access to the proposed project would be from an existing driveway on SE Petrovitsky Road.

Project Location: 11410 SE Petrovitsky Road



Project Location Map

B. PROJECT DESCRIPTION/BACKGROUND:

The project site is a 38,138 square foot (0.88 acre) parcel in the Residential - 14 dwelling units per acre (R-14) zone. The site is currently developed with a single family residence and a detached accessory structure, part of which was formerly used as a garage. The property slopes gently downward from south to north. The existing house is located at street level. The existing accessory structure is located at the end of a driveway to the west of the residence.

On March 10, 2010 a pre-application meeting was conducted for the subject property. At that time the applicant requested a review for converting an existing garage into an accessory dwelling unit and a religious institution. A field investigation revealed that the garage had already undergone conversion and was being used as a religious institution (a Buddhist Temple) and a dwelling for the Temple's monk. It was indicated to the applicant if the single-family dwelling is the primary use requested, the existing single-family dwelling and the dwelling in the converted garage must be clearly appurtenant to the religious institution and could be used for housing of temple religious leaders. The applicant was also informed that should the single-family use be the primary use, the religious institution use would not be permitted on the site and the dwelling unit in the converted garage could be considered as an accessory dwelling unit if appropriate development and design requirements are satisfied.

Subsequently, the applicant redesigned the project and on May 20, 2010, submitted an application requesting approval of an Administrative Conditional Use Permit for an accessory dwelling. The materials submitted with the application indicate that there would be no religious institution on the site at project completion.

The applicant currently states that the proposed project would include a detached, 800 square foot accessory dwelling unit with an attached 300 square foot covered patio and two outdoor decks (totaling 384 square feet). Because of discrepancies in the applicant's floor area calculations staff requested that the applicant provide revised floor plans which indicate that the project complies with Code requirements for accessory dwelling units and on July 12, 2010 such revisions were submitted. A review of the revised plans revealed that the floor area calculations were still inaccurate. Staff, again, requested that the applicant provide revised floor plans which show compliance with the Code requirements for accessory dwelling units. The applicant submitted such plans. Staff review of these plans indicate that the calculations for the accessory dwelling unit are based on the measurements from internal walls and the accessory dwelling unit now complies with the 800 square foot maximum.

Access to the property would remain from a private driveway which takes access from SE Petrovitsky Road.

C. EXHIBITS:

The following exhibits were entered into the record:

- Exhibit 1: Project file ("yellow file") containing application, proof of posting and publication, and other documentation pertinent to this request.

- Exhibit 2: Site Plan
- Exhibit 3: Existing Garage Floor Plan and Proposed Floor Plan
- Exhibit 4: Elevations
- Exhibit 5: Zoning Map
- Exhibit 6: Aerial Photograph

D. FINDINGS:

Having reviewed the written record in the matter, the City now makes and enters the following:

1. **Location:** The subject site is located at 11410 SE Petrovitsky Road.
2. **Governing Code:** The regulations for accessory dwelling units are covered under RMC 4-2-110B and RMC 4-2-115.
3. **Conditional Use:** The analysis of the proposal according to conditional use permit criteria is found in the body of the staff report.
4. **Request:** The applicant has requested approval for an administrative conditional use permit for an accessory dwelling unit in the R-14 zone (RMC 4-2-060D).
5. **Previous Use of Project Site:** The site has previously been used as a religious institution. The applicant has indicated that this use has ceased.
6. **Administrative Conditional Use Permit:** The applicant's administrative conditional use permit submittal materials comply with the requirements necessary to process a conditional use permit for an accessory dwelling if all conditions of approval are complied with. The applicant's site plan and other project drawings are provided as Exhibits 2 through 6.
7. **Existing Land Use:** Land uses surrounding the subject site include:
 - a. North – vacant (R-14 zoning);
 - b. South – SE Petrovitsky Road and single-family residences (R-8 zoning);
 - c. East – vacant and single-family residences (R-14 zoning);
 - d. West – multi-family residences (R-14 zoning).
8. **Zoning:** The site is located in the Residential – 14 dwelling units per acre (R-14) zone.
9. **Topography:** The site slopes gently downward to the north.

E. CONSISTENCY WITH CONDITIONAL USE CRITERIA:

RMC 4-9-030G lists 11 criteria that the Reviewing Official is asked to consider, along with all other relevant information, in making a decision on an Administrative Conditional Use Permit application. The 11 criteria are:

- 1. The proposed use shall be compatible with the general purpose, goals, objectives and standards of the Comprehensive Plan, the zoning regulations and any other plan, program, map or ordinance of the City of Renton.**

The R-14 zone, in which the proposed use is located, implements the Residential Medium Density (RMD) Land Use Designation of the Comprehensive Plan. RMD neighborhoods may include a variety of unit types designed to incorporate features from both single-family and multi-family and support cost-efficient housing. Accessory dwelling units are allowed in the R-14 zone with an approved Administrative Conditional Use Permit. The proposed use would be compatible with the Comprehensive Plan and zoning regulations. The proposed project meets the purpose of the Comprehensive Plan Residential Medium Density Land Use Designation which is intended to create the opportunity for neighborhoods that offer a variety of lot sizes, housing, and ownership options.

RMC 4-2-080A.7 requires that the property owner shall file an affidavit affirming that the owner will occupy the principal dwelling or the ADU. Further, this section of the Code requires that prior to the issuance of building permits; the owner shall record a notice on the property title. The notice shall bear the notarized signature of all property owners listed on the property title and include the legal description of the property, a copy of the approved site/floor plan, and the applicability of the restrictions regarding ADUs in RMC Title IV.

If all conditions of approval are met, the project will be in conformance of zoning regulations.

- 2. The proposed use constitutes a community need for the proposed location. Community need factors include, among all other relevant information:**

- a. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use.**

The proposed accessory dwelling unit is the first project of its type to be processed in the City of Renton. The Code allows for 50 accessory dwelling units to be permitted per year. Therefore, the proposed project would not result in an over-concentration of a particular use within the City or within the immediate area of the proposed use.

- b. That the proposed location is suited for the proposed use.**

The project site is a 38,138 square foot lot in the R-14 zone. A detached single-family house (to remain) currently is located on the subject property. In the R-14 zone one detached dwelling with one accessory dwelling unit are allowed on each legal lot. The proposed ADU would be located along the west side property line and behind (north) the existing dwelling. Because of the size of the subject property the proposed location is appropriate for the proposed ADU.

- 3. The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property. The following site requirements shall be required:**

- a. Lot coverage in residential districts (SF and MF) shall not exceed 50% of the lot coverage in the zone in which the proposed use is to be located, except for detached accessory dwelling units, which shall not be counted toward lot coverage**

calculations. Lot coverage in all other zones shall conform to the requirements of the zone in which the proposed use is to be located.

The current lot coverage is less than 50% of the 33,138 square foot lot. The 800 square foot accessory dwelling unit would not be counted toward lot coverage calculations.

- b. Yards shall conform to the requirements of the zone in which the proposed use is to be located. Additions to the structure shall not be allowed in any required yard.**

The proposed ADU would occupy an existing structure on the subject site and would conform to the development standards of the R-14 zone. The side yard setback for accessory dwelling units in the R-14 zone is 4-feet and rear yard setback is determined through administrative review. The proposed ADU would be within an existing structure which is 5-feet from the west side property line, approximately 135-feet from the east side property line and approximately 85-feet from the rear property line. The front yard setback in the R-14 zone is 8-feet and the proposed ADU is over 90-feet from the front property line. Therefore, the proposed project conforms to the R-14 side yard requirements.

- c. Building and structure heights shall conform to the requirements of the zone in which the proposed use is to be located. Spires, belltowers, public utility antennas or similar structures may exceed the height requirement upon approval of a variance. Building heights should be related to surrounding uses in order to allow optimal sunlight and ventilation, and minimal obstruction of views.**

The maximum height for ADUs in the R-14 zone is 30-feet. The proposed ADU structure would be approximately 8-feet tall and is in conformance with the height restrictions of the R-14 zone and would be compatible with the residential character of the surrounding neighborhood.

- 4. The proposed use shall be compatible with the residential scale and character of the neighborhood.**

The proposed ADU is located on a large lot in the R-14 zone in association with an existing single-family house. The existing structure where the ADU would be located has a roof pitch of 4:12. The primary dwelling on the project site is faced with brick. Using similar brick facing as a wainscot on the south façade of the ADU would make this structure more compatible with the primary dwelling and, therefore, more compatible with the residential scale and character of the surrounding neighborhood. Staff recommends as a condition of approval that the applicant shall submit revised elevations which indicate that brick similar to that on the primary dwelling be used as a wainscot on the south façade of the ADU. The revised elevations shall be submitted for the review and approval of the Planning Division Project Manager prior to the issuance of building permits.

- 5. Parking under the building structure should be encouraged. Lot coverage may be increased to as much as 75% of the lot coverage requirement of the zone in which the proposed use is located if all parking is provided underground or within the structure.**

The proposed ADU and the existing single-family house would be the only structures on the project site. There is adequate area for the off-street parking of two vehicles on the subject property and additional lot coverage is not required for the proposed project.

- 6. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area shall be reviewed for potential effects on, and to ensure safe movement in, the surrounding area.**

A pedestrian sidewalk is located along the SE Petrovitsky Road frontage of the subject property. Vehicular access to the site is currently taken from a driveway on SE Petrovitsky Road. Pedestrian and vehicular access to the proposed project site will not change as a result of the proposed project. No significant changes to traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area are anticipated.

- 7. Potential noise, light and glare impacts shall be evaluated based on the location of the proposed use on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.**

The proposed ADU would be oriented toward the east and facing toward the interior of the project site. Windows on the west facade of the ADU would be limited in number. Any potential glare would be limited to afternoon hours when the sun is setting. Noise which is typical of residential uses would be associated with the proposed project; the accessory dwelling unit is not anticipated to produce noise volumes which would impact the surrounding neighborhood.

- 8. Landscaping shall be provided in all areas not occupied by buildings or paving. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use.**

The proposed accessory dwelling unit is oriented toward the interior of the 38,138 square foot lot. Existing landscaping exists along the SE Petrovitsky Road frontage and along an existing north/south oriented driveway. An existing 18-inch multi-trunk cedar tree and an 18-inch multi-trunk maple tree are located adjacent to the proposed ADU along the east side of the structure and adjacent to the outdoor decks associated with the structure. A 10-inch apple tree, a 16-inch and 18-inch cottonwood trees are also located on the project site. Because of the large lot size it may be impractical to landscape the entire lot. However, staff recommends as a condition of approval that the applicant submit a landscape plan to the Planning Division Project Manager for review and approval indicating the planting of shrubs, flowering plants and additional groundcover in the area of the lot around the ADU to provide seasonal aesthetic interest prior to the issuance of building permits.

- 9. Accessory uses to conditional uses such as day schools, auditoriums used for social and sport activities, health centers, convents, preschool facilities, convalescent homes and others of a similar nature shall be considered to be separate uses and shall be subject to the provisions of the use district in which they are located.**

The proposed use is an accessory dwelling unit which is allowed in the R-14 zone with an approved Administrative Conditional Use Permit. The proposed ADU would be in compliance with the Renton Municipal Code if all conditions of approval are complied with.

10. No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of Chapter 9 of Title IV of the Renton Municipal Code.

The proposed ADU would be located within an existing structure. Compliance with Chapter 9 of Title IV of the Renton Municipal Code would be achieved if all conditions of approval are satisfied.

11. The proposed use and location shall be served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision and/or guarantee by the applicant of necessary public improvements, facilities, utilities and/or services.

Police and Fire Department staff indicates that sufficient resources exist to furnish services to the proposed project, subject to the applicant providing Code required improvements. Any students generated by the proposed ADU would be accommodated at Renton School District's Cascade Elementary School, Nelsen Middle School, and Lindbergh High School. The Renton School District Impact Fee for each new accessory dwelling unit is \$1,258.00 and is payable prior to the issuance of building permits. The Soos Creek Water and Sewer District would provide water and sanitary sewer service. Certificates of water and sewer availability were issued by the Soos Creek Water and Sewer District on April 27, 2010.

F. CONCLUSION:

1. The Administrative Conditional Use Permit would allow the utilization of an existing structure as an accessory dwelling unit with a floor area of 800 square feet. The ADU is within a former garage structure. The location of the ADU on the project site is indicated in Exhibit 2 (Site Plan).
2. The proposed Administrative Conditional Use Permit for an accessory dwelling unit meets the eleven criteria to be considered in making a decision on a conditional use permit request as specified in RMC 4-9-030G if all conditions of approval are met.
3. The Administrative Conditional Use Permit complies with the Zoning Code (RMC 4-2-110B and RMC 4-2-115) and the objectives and policies of the Comprehensive Plan.
4. The proposed Administrative Conditional Use Permit would allow an accessory dwelling unit on the subject property. The prior use of the property as a religious institution has ceased and the Administrative Conditional Use Permit does not give approval for the operation of a religious institution on the project site.
5. Staff recommends approval with conditions based on the analysis contained in the staff report.

G. DECISION:

The Administrative Variance(s) for the **Hue Huynh Accessory Dwelling Unit** , File No. **LUA10-036, CU-A** is approved and is subject to the following conditions:

1. The applicant shall submit a landscape plan for the review and approval of the Planning Division Project Manager which indicates the planting of shrubs, flowering plants and groundcover in the area of the lot around the accessory dwelling unit to provide seasonal aesthetic interest prior to the issuance of building permits.
2. The applicant shall submit revised elevations which indicate that brick similar to that on the primary dwelling is used as a wainscot on the south facade of the ADU. The revised elevations shall be submitted for the review and approval of the Planning Division Project Manager prior to the issuance of building permits.

DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:

[Signature on File]

C.E. "Chip" Vincent, Planning Director

Date

TRANSMITTED this 25th day of October, 2010 to the Owner/Applicant/Contact:

Hue T. Huynh	Han Phan, P.E.
11410 SE Petrovitsky Road	PBG, LLC
Renton, WA 98055	5130 S. 166 th Lane
	Seatac, WA 98188

TRANSMITTED this 25th day of October, 2010 to the Party(ies) of Record:

None

TRANSMITTED this 25th day of October, 2010 to the following:

Neil Watts, Development Services Director
Larry Meckling, Building Official
Kayren Kittrick, Development Services
Fire Marshal
Jennifer Henning, Current Planning
Renton Reporter

Land Use Action Request for Reconsideration, Appeals & Expiration

The administrative land use decision will become final if the decision is not appealed within 14 days of the effective date of decision.

RECONSIDERATION: Within 14 days of the effective date of decision, any party may request that a decision may be reopened by the Administrator (Decision-maker). The Administrator (Decision-maker)

may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the Administrator (Decision-maker) finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal timeframe.

APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on November 8, 2010. An appeal of the decision must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Appeals to the Examiner are governed by City of Renton Municipal Code Section 4-8-110. Additional information regarding the appeal process may be obtained from the Renton City Clerk's office, Renton City Hall – 7th Floor, (425) 430-6510. Appeals must be filed in writing, together with the required fee to: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057.

THE APPEARANCE OF FAIRNESS DOCTRINE: provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

EXPIRATION: The conditional use permit(s) approval will expire two (2) years from the date of decision. A one-(1) year extension may be requested pursuant to RMC 4-9-030.O [see also RMC 4-1-800H and I].

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the administrative land use action. *Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.*

Planning:

1. RMC 4-2-080A.7 requires that the property owner shall file an affidavit affirming that the owner will occupy the principal dwelling or the ADU. This affidavit shall be submitted to the Planning Division Project Manager prior to the issuance of building permits.
2. RMC 4-2-080A.7 also requires that prior to the issuance of building permits; the owner shall record a notice on the property title. The notice shall bear the notarized signature of all property owners listed on the property title and include the legal description of the property, a copy of the approved site/floor plan, and the applicability of the restrictions regarding ADUs in RMC Title IV. Prior to recording of the notice the owner shall submit a copy to the Planning Division Project Manager for review and approval.
3. Construction activities shall be restricted to the hours between 7:00 am and 8:00 pm, Monday through Friday. Work on Saturdays shall be between the hours of 9:00 am and 8:00 pm. No work shall be permitted on Sundays.